

STATE OF CALIFORNIA

ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION

2010 Rulemaking on	)	Docket No. 10-PSDR-01
Power Source Disclosure	)	Order _____
Regulations	)	
_____	)	

**ORDER INSTITUTING RULEMAKING PROCEEDING**

**I. PURPOSE OF THE PROCEEDING**

The California Energy Commission ("Commission") hereby institutes a rulemaking proceeding. The basic purpose of this proceeding is to consider changes to the Commission's power source disclosure regulations (title 20, Cal. Code Regs., §§ 1390 - 1394), as required by AB 162 of 2009.

We take this action under the authority of Public Resources Code sections 25210, 25211, 25213, 25218(e), 25402(a)-(c) & (e), 25402.5, and 25402.5.4 (Stats. 2007, ch. 534), and 20 California Code of Regulations sections 1220 – 1225.

**II. DELEGATION OF AUTHORITY TO THE RENEWABLES COMMITTEE**

The Commission's Renewables Committee (consisting of Presiding Member Vice Chair James Boyd and Associate Member Commissioner Robert Weisenmiller), or a successor committee with similar powers and duties appointed under Public Resources Code Section 25211 ("the Committee"), shall preside over this proceeding. The Committee shall, on behalf of the Commission, take all actions necessary and appropriate to comply with all applicable legal requirements, such as the requirements of the Warren-Alquist Act, the Administrative Procedure Act ("APA"), and the California Environmental Quality Act (CEQA), including but not limited to submission of all necessary documents to the Office of Administrative Law ("OAL").

### **III. SCOPE OF THE PROCEEDING**

The purpose of this rulemaking is to amend the Commission's current power source disclosure regulations in order to meet the requirements in AB 162. In 1997, SB 1305 established requirements for retail electricity providers to disclose quarterly and annual fuel mix information – such as the amounts of electricity generated by natural gas, or renewable sources – to retail customers in the form of Power Content Labels. All retail suppliers who provide electricity to California customers must include a Power Content Label in promotional materials and in quarterly submittals to their customers. The Commission's regulations implement those requirements. AB 162 makes a number of changes to the Power Source Disclosure Program, and this rulemaking proceeding will ensure that the Commission remains in compliance with existing law.

This rulemaking shall initially focus on (1) changing the Power Content Label so that it provides a more accurate representation of the state's overall level of renewable generation; (2) establishing guidelines for disclosure of annual fuel mix information to the Commission and customers; (3) updates and clarification; and (4) other priority matters as determined by the Committee. The Committee may divide the rulemaking into phases and shall establish (and may from time to time modify) the scope of each phase, following one or more scoping workshops if necessary, and with appropriate attention to staffing needs and resources.

### **V. PUBLIC PARTICIPATION**

The Commission encourages full and free public participation. Any person present at any hearing or workshop shall be afforded a reasonable opportunity to make oral comments on the subject matter of the proceeding. All written comments shall be addressed to:

Docket No. 10-PSDR-01  
California Energy Commission  
1516 Ninth Street, Mail Station 4  
Sacramento, California 95814-5512

Nine copies of all written materials shall be provided unless it would impose an undue hardship or as otherwise ordered by the Committee.

The Executive Director, in conjunction with the Public Adviser, shall ensure that this order, and notice of the time and place for all hearings and workshops, are

distributed to all interested persons. The Executive Director shall also ensure that drafts of regulations proposed for amendment are made available to interested persons and the Public Adviser sufficiently in advance of consideration or adoption by the Commission to allow timely public participation.

The Commission's Public Adviser is available to help any person who wants to participate in this proceeding. Please call (916) 654-4489 or toll-free in California at (800) 822-6228, or write to [pao@energy.state.ca.us](mailto:pao@energy.state.ca.us).

July 28, 2010

ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION

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KAREN DOUGLAS  
Chairman

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JAMES D. BOYD  
Vice Chair and Presiding  
Member, Renewables  
Committee

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ROBERT B. WEISENMILLER  
Commissioner and Associate  
Member, Renewables  
Committee

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JEFFREY D. BYRON  
Commissioner

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ANTHONY EGGERT  
Commissioner